

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

JOSEPH J. WEISS

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-1571

Decision No. CU 1752

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by JOSEPH J. WEISS, and is based upon the asserted loss of \$300.00, sustained in connection with the ownership of a stock interest in Compania Litografica de la Habana, S.A. (Havana Lithographing Company), hereinafter referred to as Havana Lithographing. Claimant has been a national of the United States since his birth in the United States.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 504 Of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

Section 502(1) of the Act defines the term "national of the United States" as (A) a natural person who is a citizen of the United States, or (B) a corporation or other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity." The term does not include aliens.

Thus, in order for the Commission to favorably consider claims under Section 503(a) of Title V of the Act, it must be established (1) that the subject property was owned in whole or in part by a national of the United States on the date of nationalization or other taking; and (2) that the claim arising as a result of such nationalization or other taking has been continuously owned thereafter in whole or in part by a national or nationals of the United States to the date of filing with the Commission.

The Commission has previously determined that as a result of the nationalization of the properties of the Havana Lithographing Company on October 13, 1960, stockholders sustained a loss on that date, within the meaning of the Act. (See Claim of Central West Company, Claim No. CU-3440).

In support of his claim, claimant has submitted evidence to establish that he is the owner of 100 shares of the common stock of Havana Lithographing. Claimant submitted Certificate number CLHC 25907 which represents the shares in question and which reflects that it was issued to him on April 24, 1961.

By Commission letters of October 6, 1967 and November 15, 1967, the claimant was informed of the requirements of Section 504 of the Act and was advised that it would be necessary for him to establish the identity and the United States nationality of the owners of the subject stock on the date of loss and continuously thereafter to the date of his acquisition. Claimant responded by letters dated October 30, 1967 and March 29, 1968, informing the Commission that the stock was purchased through a broker and the certificate was issued to him by the transfer agents of the Havana Lithographing Company. Claimant asserts that the broker from whom the stock interest was purchased is no longer in business and that he cannot submit suggested evidence as to United States ownership of the stock interest between October 13, 1960 and April 24, 1961.

The above information fails to establish ownership of the property here involved by a national of the United States on October 13, 1960, the date of loss.

Accordingly, the Commission concludes that this claim is not valid under Title V of the Act in that the evidence fails to establish that the property on which it is based was owned by a national of the United States on the date of loss and, therefore, it is hereby denied.

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The Commission deems it unnecessary to make specific findings with respect to other elements of this claim.

Dated at Washington, D. C.,  
and entered as the Proposed  
Decision of the Commission.

APR 24 1968

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

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